

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of N/S alley lying South of High Street and East of Barthold Street.

WHEREAS, (1) a petition to vacate a portion of N/S alley lying South of High Street and East of Barthold Street (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Thoroughfare Plan of the City Comprehensive ("Master") Plan, as set forth in General Ordinance No. G-97 adopted November 26, 1963, as amended, is amended by vacating:

The vacation of a portion of the first alley east of Barthold Street from the South property line of the first alley south of High Street to its southern terminus; (the northern right-of-way of the New York Central Railroad); this alley is bounded by the following property:

All that part of the East 131½ feet of Hanna's Outlot No. 13 in the Northwest fractional Quarter of Section 2, Township 30 North, Range 12 East, lying South of Charles Pape's Addition to the City of Fort Wayne, as recorded in Book 48, page 256, of the records of Allen County, Indiana, and North of the North line of the right-of-way of Fort Wayne, Jackson & Saginaw Railway, except therefrom the East 34 feet of a parcel of land described in the deed of Charles Pape to Sarah Schlatter, as recorded in Book 50, page 413, of the records of Allen County;

Also, all of Hanna's Out Lot No. 14 in the Northwest fractional Quarter of Section 2, lying South of High Street in the City of Fort Wayne, and North of the North line of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway;

Also, all of the West 61 feet, more or less, of Hanna's Out Lot No. 15 in the Northwest Quarter of Section 2, lying South of Lot No. 13 of McCulloch's Subdivision of the North part of said Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railways;

Also, Lot No. 13 in McCulloch's Subdivision of the North part of Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway, according to the recorded Plat thereof, recorded in Book W, page 120, of Deed Records of Allen County, Indiana;

Excepting from the aforesaid real estate that portion thereof heretofore conveyed to Wm. A. Didier & Sons, Inc., by deed dated September 22, 1949, and recorded in Deed Record 419, page 327, in the Office of the Recorder of Allen County, Indiana, and described as follows, to-wit:


The North 144.0 feet of all that part of Hanna's Out Lot No. 14 in Section 2, Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, that lies South of the South line of High Street in the said City of Fort Wayne, Indiana, together with an easement for driveway purposes over and across the North 139.0 feet of Lot No. 13 in McCulloch's Subdivision in the City of Fort Wayne, Indiana.

said amendment to become effective upon the legal vacation of said alley.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit certified copies of it to the City Plan Commission, the Board of Public Works, the Board of Public Safety and the petitioners.

SECTION 3. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

APPROVED AS TO FORM AND
LEGALITY JUNE 19, 1980.


JOHN E. HOFFMAN
City Attorney


COUNCILMAN

Read the first time in full and on motion by Eisink, seconded by Burns, and duly adopted, read the second time by title and referred to the Committee Regulatory (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 6/24/80

Charles W. Westerman pre
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eisink, seconded by Burns, and duly adopted, placed on its passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8/26/80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 5-16-80 on the 26th day of August, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of August 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. G-80-06-15

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a portion of N/S alley lying
South of High Street and East of Barthold Street

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

B. Eisbart
John Nuckols
Samuel J. Talarico
D. Schmidt

8-26-80

DATE 8-26-80 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

WHEREAS, INDIANHEAD TRUCK LINES, INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

The vacation of a portion of the first alley east of Barhold Street from the South property line of the first alley south of High Street to its southern terminus; (the northern right-of-way of the New York Central Railroad); this alley is bounded by the following property:

All that part of the East 131½ feet of Hanna's Outlot No. 13 in the Northwest fractional Quarter of Section 2, Township 30 North, Range 12 East, lying south of Charles Pape's Addition to the City of Fort Wayne, as recorded in Book 48, page 256, of the records of Allen County, Indiana, and North of the North line of the right-of-way of Fort Wayne, Jackson & Saginaw Railway, except therefrom the East 34 feet of a parcel of land described in the deed of Charles Pape to Sarah Schlatter, as recorded in Book 50, page 413, of the records of Allen County;

Also, all of Hanna's Out Lot No. 14 in the Northwest fractional Quarter of Section 2, lying South of High Street in the City of Fort Wayne, and North of the North line of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway;

Also, all of the West 61 feet, more or less, of Hanna's Out Lot No. 15 in the Northwest Quarter of Section 2, lying South of Lot No. 13 of McCulloch's Subdivision of the North part of said Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railways;

Also, Lot No. 13 in McCulloch's Subdivision of the North part of Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway, according to the recorded Plat thereof, recorded in Book W, page 120, of Deed Records of Allen County, Indiana;

Excepting from the aforesaid real estate that portion thereof heretofore conveyed to Wm. A. Didier & Sons, Inc., by deed dated September 22, 1949, and recorded in Deed Record 419, page 327, in the Office of the Recorder of Allen County, Indiana, and described as follows, to-wit:

The North 144.0 feet of all that part of Hanna's Out Lot No. 14 in Section 2, Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, that lies South of the South line of High Street in the said City of Fort Wayne, Indiana, together with an easement for driveway purposes over and across the North 139.0 feet of Lot No. 13 in McCulloch's Subdivision in the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 21, 1980, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 28, 1980, and as same appears of record in the official records of said Plan Commission.

DATED THIS 28th DAY OF July 19 80

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter
Joyce Schlatter
Secretary

Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Mark L Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held August 6, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 6th DAY OF August 1980

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L Akers
Mark L. Akers, Chairman

Herbert R Gamache
Herbert R. Gamache, Member

Roberta Anderson-Staten
Roberta Anderson-Staten, Member

RECEIPT

Date February 29 1980 No. 10930Received From McLanahan Select Jones Inc.Address 601 W. Commerce St.Fifty Dollars Dollars \$50⁰⁰For Libary fee for location of Chickadee Cavity
between blocks 13 and 14 of Hannas Out Lots

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	<u>50</u>	<u>00</u>	CASH		
AMT. PAID	<u>50</u>	<u>00</u>	CHECK #	<u>1848</u>	
BALANCE DUE	<u>00</u>		MONEY ORDER		

By Gary Jones

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public alley within the City of Fort Wayne, Indiana, and hereby described as follows:

The vacation of a portion of the first alley east of Barthold Street from the South property line of the first alley south of High Street to its southern terminus; (the northern right-of-way of the New York Central Railroad); this alley is bounded by the following property:

All that part of the East 131½ feet of Hanna's Outlot No. 13 in the Northwest fractional Quarter of Section 2, Township 30 North, Range 12 East, lying South of Charles Pape's Addition to the City of Fort Wayne, as recorded in Book 48, page 256, of the records of Allen County, Indiana, and North of the North line of the right-of-way of Fort Wayne, Jackson & Saginaw Railway, except therefrom the East 34 feet of a parcel of land described in the deed of Charles Pape to Sarah Schlatter, as recorded in Book 50, page 413, of the records of Allen County;

Also, all of Hanna's Out Lot No. 14 in the Northwest fractional Quarter of Section 2, lying South of High Street in the City of Fort Wayne, and North of the North line of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway;

Also, all of the West 61 feet, more or less, of Hanna's Out Lot No. 15 in the Northwest Quarter of Section 2, lying South of Lot No. 13 of McCulloch's Subdivision of the North part of said Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railways;

Also, Lot No. 13 in McCulloch's Subdivision of the North part of Hanna's Out Lots 15 and 16 and North of the right-of-way of the Fort Wayne, Jackson & Saginaw Railway, according to the recorded Plat thereof, recorded in Book W, page 120, of Deed Records of Allen County, Indiana;

Excepting from the aforesaid real estate that portion thereof heretofore conveyed to Wm. A. Didier & Sons, Inc., by deed dated September 22, 1949, and recorded in Deed Record 419, page 327, in the Office of the Recorder of Allen County, Indiana, and described as follows, to-wit:

The North 144.0 feet of all that part of Hanna's Out Lot No. 14 in Section 2, Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, that lies South of the South line of High Street in the said City of Fort Wayne, Indiana, together with an easement for driveway purposes over and across the North 139.0 feet of Lot No. 13 in McCulloch's Subdivision in the City of Fort Wayne, Indiana.

In support thereof, your petitioners would represent as follows:

1. That they are the owners of the real estate abutting both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said alley is unopened and unimproved.
4. That no other person, firm, or corporation is interested or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City of and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana

Petition to Vacate Alley

Page two

Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 23rd DAY OF May, 19 80

Indianahead Truck Line, Inc.
601 Commerce Drive
Fort Wayne, Indiana 46808

By: Donald G. Wiley

Fort Wayne Produce Co., Inc.
1104 Barthold
Fort Wayne, Indiana 46808

By: [Signature]

Mrs. Velma Kanning
1120 Barthold
Fort Wayne, Indiana 46808

By: Mrs. Velma Kanning

Robert F. Brooks and
James E. Brooks
1122-24-26 Barthold
Fort Wayne, Indiana 46808

By: [Signature]
James E. Brooks

BASEMENT FOR ELECTRICAL LINES Form No. 1-B (1) Corp.

Name Indian Head Truck Line, Inc. Est. No. Map No.
Address P. O. Box 33555 W. O. 736-8078-00-0306
St. Paul, MN 55165

This Indenture, made this 28th day of April, 1980 by and between Indian Head Truck Line, Inc., a corporation organized and existing under the laws of the State of Minnesota, with its principal place of business at P.O. Box 33555, St. Paul, MN 55165, party of the first part and INDIANA & MICHIGAN ELECTRIC COMPANY together with GENERAL TELEPHONE COMPANY OF INDIANA, INC., corporations organized and existing under the laws of the State of Indiana with their principal places of business at Fort Wayne, Indiana, parties of the second part.

Witnesseth: That for One Dollar (\$1.00) in hand paid to the party of the first part by the parties of the second part, the receipt of which is hereby acknowledged, said party of the first part hereby grants, bargains, sells, conveys, and warrants to the parties of the second part, their successors and assigns forever, a right of way and easement with the right, privilege and authority to said parties of the second part, their successors, assigns, lessees, and tenants to construct, erect, operate and maintain line of poles and wires for the purpose of transmitting, distributing and delivering electric or other power, including telegraph and telephone wires in, on, along, over, through or across and also along any highway as now or hereafter laid out, abutting the following described lands situated in Wayne Township, in the County of Allen in the State of Indiana, and part of Section No. 2 Township No. 30 North and Range No. 12 East to wit:

The East 6 feet of the North 161.5 feet of the South 211 feet of the North-South alley to be vacated in Outlot No. 13 of Hanna's Outlots to the City of Fort Wayne, Indiana.

Grantor certifies under oath that no Indiana gross income tax is due or payable at this time in respect to the transfer being made by this indenture.

TOGETHER with the right to said parties of the second part, their successors and assigns to place, erect, maintain, inspect, add to the number of, and relocate at will, poles, anchors, cross-arms or fixtures, and string wires and cables, adding thereto from time to time, across, through or over the above described premises, to cut or otherwise control and at its option, remove from said premises of the party of the first part adjoining the same on either side, any trees, overhanging branches or other obstructions which may endanger the safety or interfere with the use of said poles or fixtures or wires attached thereto, or any structure on said premises, and the right of ingress and egress to and over said above described premises and any of the adjoining lands of the party of the first part, at any and all times, for the purpose of patrolling the line, of repairing, renewing or adding to the number of said poles, structures, fixtures and wires and for doing anything necessary or useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any or all of said improvements erected upon, over, or on said land together with the rights, privileges, easements and appurtenances in or to said lands which may be required for the full enjoyment of the rights herein granted. Parties of the second part will immediately repair or replace all fences, gates, drains and ditches injured or destroyed by it on said premises or pay first party all damages done to the fences, drains, ditches, crops and stock on the premises herein described, caused by the construction, operation and maintenance of said lines. All claims for damages caused in the operation and maintenance of said lines shall be made at the office of the Indiana & Michigan Electric Company at 2101 Spy Run Avenue, Fort Wayne, Indiana, within thirty days after such damages accrue. If the respective parties cannot agree on the amount of damages the same shall be arbitrated. This indenture contains all agreements, expressed or implied between the parties hereto.

Party of the first part through its duly authorized officers certifies under oath that no Indiana gross income tax is due or payable at this time in respect to the transfer made by this indenture.

To Have and to Hold the same unto said parties of the second part, their successors and assigns.

In Witness Whereof, the party of the first part has caused its corporate name and seal to be hereto affixed the day and year first above written.

Signed and Acknowledged in the presence of:

Donna M. Allen

Indian Head Truck Line, Inc.
By Donald A. Wilsey
Donald A. Wilsey Vice-President
ATTEST: _____
Secretary

Received for Record M 19
Recorded in Deed Records 19
Volume Page
..... Record
..... Coun
..... State of

County of Allen } ss:

Before me, the undersigned, a Notary Public, in and for Said County and State, this 28th day of April, A.D., 1980, personally appeared the within named Ronald B. Wiley and _____, known to me to be Vice President and _____ respectively of Indian Head Truck Box, a corporation, who, as such Vice President and _____ respectively of such corporation, acknowledged the execution of the foregoing instrument and affixed thereto the corporate seal of said corporation as the free and voluntary act of said corporation for the uses and purposes therein set forth, and said officers, having been duly sworn, swear that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires: _____

April 19, 1984

Subscribed my name and affixed my official seal.
Donald M. Allen
 Notary Public.

Name Robert F. Brooks, owners Eas. Map
Address 1123 Barthold, Fort Wayne, IN W.O. 736-8078-00-0306

Know All Men By These Presents: That the grantor s , James E. Brooks and Robert F. Brooks, owners

of Allen County, Indiana, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, in hand paid to the grantor s , hereby grant to INDIANA & MICHIGAN ELECTRIC COMPANY and GENERAL TELEPHONE COMPANY OF INDIANA, INC., corporations organized under the laws of the State of Indiana, their successors and assigns, the right and authority to construct, erect, maintain, operate, repair, replace and renew poles, and the right and authority to string, install, construct, erect, maintain, operate, repair, replace and renew wires, cables, and other necessary equipment upon and between such poles and to operate by means thereof a line or lines for the transmission, distribution and delivery of electrical energy to the public in general to be used for light, heat, power, telephone and/or other purposes in, upon, along and over the real estate of the grantor s , situated in Section 2 , Township 30 North , Range 12 East , of the Second Principal Meridian in the County of Allen , State of Indiana, and described as follows:

Wayne Township

Allen County

The West 6 feet of the North 161.5 feet of the South 211 feet of the North-South alley to be vacated in Outlot No. 13 of Hanna's Outlots to the City of Fort Wayne, Indiana.

The grantor s reserve the use of the above described land not inconsistent with this grant.

The grantees shall and will indemnify and save the grantor s harmless from and against any and all damages, injuries, losses, claims, demands or costs proximately caused by the fault, culpability, or negligence of the grantees in the construction, erection, maintenance, operation, repair or removal of said electric line or lines and the structures and appurtenances connected therewith over and across the above described real estate.

Access to the above described land over the adjoining lands of the grantor s is hereby granted, where necessary, but where a public highway adjoins the land above described, then access shall be from such highway. Any damages to the crops, fences, or buildings of the grantor s on lands of the grantor s adjoining the premises above described, done by the grantees in the erection, repair, replacement or renewal of said poles, wires, cables, or equipment, shall be promptly paid for by the grantees. The grantees may cut, trim, or otherwise control trees, bushes and saplings growing upon or extending over said land so far as may be reasonably necessary in the construction, operation and maintenance of said line or lines.

The undersigned hereby covenant that the owner s in fee simple of said real estate, lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, that the said real estate is free from all encumbrances, and that the grantor s will warrant and defend the title to the said easement against all lawful claims. If the grantees fail to construct their said lines across said real estate within five years from the date hereof, or thereafter abandon or discontinue the use thereof, the rights hereby granted shall be deemed to be terminated and the grantees shall remove said lines within ninety days from and after receipt of written notice from the grantor s to do so.

These presents to be binding upon the heirs, executors, administrators, grantees and assigns of the grantor s , and upon the grantees, their successors and assigns.

In Witness Whereof, the said Grantor has hereunto set their hand s and seal s this 28th day of April, A. D. 1920

Signed, Sealed and Delivered in Presence of

Anna M. Allen

James E. Brooks, owner
Robert F. Brooks, owner

Name _____
Address _____
Line _____
Eas. No. _____ Map No. _____

Received for Record _____ M _____ 19____
Recorded in Deed Records _____ 19____
Volume _____ Page _____
Recorder _____
of _____ County _____
State of _____

STATE OF INDIANA

Allen County } ss.

Before me Joyce A. Spitler, a Notary Public in and for said
County and State, this 28th day of April, 1980, personally appeared
the above named James E. Shacks and Robert F. Brooks

and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year
above written.

Joyce A. Spitler

Notary Public.

My commission expires December 23, 1982.

STATE OF INDIANA

County } ss.

Before me _____, a Notary Public in and for said
County and State, this _____ day of _____, 19____, personally appeared
the above named _____

and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year
above written.

Notary Public.

My commission expires _____, 19____.

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance2-80-06-15DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE N/S alley lying South of High Street and East of
Barthold Street.EFFECT OF PASSAGE Alley is now public right-of-way. Alley will be closed as
public right-of-way and revert to adjacent property owners.EFFECT OF NON-PASSAGE Alley will remain open as public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.)

Regulations



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 July 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held July 28, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-80-06-15
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS with condition.

CONDITION: The easements required by I&M and GT&E shall be prepared and approved by the appropriate utility prior to this request being forwarded to City Council for final action.

NOTE: The easements have been prepared by approved and a copy of the easement is attached to the original ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten
Senior Planner

GFB:pb



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -> Room 122

September 3, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of September 9 and September 16, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

General Ordinances:

Bill No. G-80-06-14 (as amended)
General Ordinance No. G-15-80
Vacating a portion of Lenox Street

Bill No. G-80-06-15
General Ordinance No. G-16-80
Vacating a portion of N/S alley
lying South of High Street and
East of Barthold Street

Please send us eight (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-14 (as amended) -- General Ordinance No. G-15-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Lenox Street

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-15 -- General Ordinance No. G-16-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of N/S alley lying South of High Street and East of Barthold Street

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-06-14 (as amended) -- General Ordinance No. G-15-80, and Bill No. G-80-06-15 -- General Ordinance No. G-16-80, were duly passed by the Common Council on the 26th day of August, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of August, 1980, and now remains on file and on record in my office.

Copy of Bill No. G-80-06-14 (as amended) -- General Ordinance No. G-15-80 and Bill No. G-80-06-15 -- General Ordinance No. G-16-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

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- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman
Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on September 9, 1980.

Charles W. Westerman
Charles W. Westerman, City Clerk



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE INDIANA 46802

Charles W. Westerman, Clerk - Room 122

September 3, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of September 9 and September 16, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

General Ordinances:

Bill No. G-80-06-14 (as amended)
General Ordinance No. G-15-80
Vacating a portion of Lenox Street

Bill No. G-80-06-15
General Ordinance No. G-16-80
Vacating a portion of N/S alley
lying South of High Street and
East of Barthold Street

Please send us eight (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

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Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on September 9, 1980.


Charles W. Westerman, City Clerk

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines _____

Head number of lines _____

Body number of lines 72Tail number of lines 2Total number of lines in notice 74**COMPUTATION OF CHARGES**74 lines, 1 columns wide equals 74 equivalent lines at .253¢ , 18.72
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra3.00

TOTAL AMOUNT OF CLAIM.

\$ 21.72**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 16 19 80_____
Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
Allen County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned, D. Roose who, being duly sworn, says that she is _____ CLERK _____ of the**NEWS-SENTINEL**a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town _____ in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 9/9 - 9/16/80Subscribed and sworn to before me this 16th day of September 19 80My commission expires September 28, 1983

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-40-96-14 (as amended) - General Ordinance No. G-15-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Lenox Street.

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Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

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Body number of lines

Tail number of lines

Total number of lines in notice

72274**COMPUTATION OF CHARGES**

74 lines, 1 columns wide equals 74 equivalent lines at .253¢ \$ 18.72
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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00**TOTAL AMOUNT OF CLAIM.** \$ 21.72**DATA FOR COMPUTING COST**

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 16Title CLERK**PUBLISHER'S AFFIDAVIT**Indiana
County SS:

I, Arvilla Dewald, Clerk of the
County SS: Allen, do hereby certify that Bill No. G-80-06-14 (as amended) — General Ordinance No. G-15-80, and Bill No. G-80-06-15 — General Ordinance No. G-16-80, were duly passed by the Common Council on the 26th day of August, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of August, 1980, and now remain on file and on record in my office.

JOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published in English language in the city of FORT WAYNE, INDIANA

and county aforesaid, and that the printed matter attached hereto is a true copy, was duly published in said paper for two times, the dates of publication being

ws: 9/9 - 9/16/80

and sworn to before me this 16th day of September, 1980

Commission expires September 28, 1983 Notary Public

**ATTACH
ADVERTISEMENT**

("Master") Plan by vacating a portion of Lenox Street.
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CHARLES W. WESTERMAN,
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above ordinances in the designated places as stated on September 9, 1980.

CHARLES W. WESTERMAN,
City Clerk
9-9-16

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-14 (as amended) — General Ordinance No. G-15-80, and Bill No. G-80-06-15 — General Ordinance No. G-16-80, were duly passed by the Common Council on the 26th day of August, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of August, 1980, and now remain on file and on record in my office.

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.Allen

County, Ind.

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*Arvilla Dewald*Date Sept. 16, 19 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, saysthat she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:9/9 - 9/16/80Subscribed and sworn to before me this 16th day of September, 19 80My commission expires September 28, 1983

Notary Public

ATTACH
ADVERTISEMENT

General Ord.
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